

would have been obvious to incorporate “determining the effective translating and scaling parameters to create a cutout mask … because it would produce cutout masks suitable for the layout state (col. 8, lines 19-20).”

Independent claims 53 and 58 define a method for positioning an adjustable image relative to a cutout region. After a zone of interest is identified, the method translates and scales the adjustable image so that a significant portion of a zone of interest appears within a cutout region without changing the aspect ratio of the adjustable image.

Matsumura discloses a method for laying out multiple image parts onto an one-page image. In particular, each image part can be laid on top or below another image part. As such, each image part has a layout order or priority. Matsumura discloses a method to cut an image part into several pieces and assigns a layout order to each of the pieces.

Applicants respectfully traverse the Examiner’s characterization of Matsumura and, in particular, Examiner’s characterization of the term “suitable” (col. 8, line 21). According to the Examiner, the term “suitable” teaches scaling an image so that a significant portion of the zone of interest appears within the cutout region. Applicants submit that the term “suitable” does not teach or suggest scaling an image. In order to understand the meaning of the term “suitable,” Applicants look to the context in which the term is used:

As discussed above, the above embodiment enables the user to specify an image part laid out on a one-page image and create one or a plurality of cutout masks for the image part under the laid-out state. This facilitates to produce cutout masks suitable for the layout state (col. 8, lines 17-20).

In the above paragraph, Matsumura first summarizes an embodiment of the invention and makes a conclusion or observation about the embodiment. As illustrated in Figures 11A, 11B, 11C and 11D, the embodiment describes a layout that includes a baseball player image and a series of characters image. The series of characters image needs to be inserted between the baseball player’s belt and the baseball player’s glove. In order to accomplish this, a user uses a cutout mask to cut out the baseball player’s glove from the baseball player image. A cutout mask can be in the shape of a rectangle, polygon, circle or ellipse and the user chooses a shape that best fits his cutout needs (col. 4, lines 42-44). Thereafter, the user allocates different layout priorities to the baseball player image, the glove cutout mask and the series of

characters image. By allocating the baseball player image as the bottom layer, the series of characters image as the middle layer and the glove cutout mask as the top layer, the user creates a combined image as shown in Figure 11D. As a result, the embodiment discloses how the user cuts the image into various cutout masks or pieces suitable for allocating different layout priorities. Thus, Matsumura does not teach or suggest scaling the image so a significant portion of the zone of interest appears within the cutout region. Instead, Matsumura discloses the use of the cutout mask as a tool to cut the image into several pieces.

Applicants additionally note that Figure 2 discloses “expansion and adjustment of display position.” The term “expansion” as used in Matsumura does not teach or suggest scaling an image:

The user may specify a position within the image portion for which an additional cut mask is required, with the positioning tool LT to expand the image portion in the vicinity of the specified position at step S3. This will enable the contour of a cutout mask to be readily specified on the expanded image with a high degree of accuracy in the subsequent cutout process (col. 5, lines 9-15).

As indicated by the paragraph above, Matsumura discloses magnification or expansion of a portion of the image specified by the user. Magnification assists the user in the cutout process by letting the user see a portion of the image more clearly and, subsequently, cut a small portion of the image with higher accuracy.

Finally, Matsumura is not reasonably pertinent to the particular problem with which the Applicants are involved. Matsumura deals with the problem of assigning layout priorities for multiple image parts. On the other hand, independent claims 53 and 58 deal with the problem of scaling an image so that a significant portion of the zone of interest appears within the cutout region. Thus, Matsumura is not reasonably pertinent to the particular problem with which the Applicant is concerned because a person of ordinary skill, seeking to solve a problem of scaling an image, would not be reasonably expected or motivated to look to techniques for layering multiple image parts.

Accordingly, for at least the above-stated reasons, Applicants submit that independent claims 53 and 58 are patentable under 35 U.S.C. § 103(a) over Matsumura. Claims 54-57 and

59-60, each of which depends directly from independent claims 53 or 58, are likewise patentable under 35 U.S.C. § 103(a) over Matsumura for at least the same reasons set forth for independent claims 53 and 58.

In view of the foregoing, Applicants respectfully submit that all the pending claims are in condition for allowance. A notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6900 x 6924. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ROXIP228C). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE & PENILLA, LLP



Michael K. Hsu  
Registration No. 46,782

710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94085  
Telephone: (408) 749-6900  
**Customer No. 25920**